

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 08-6093

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DONALD RAY BARBER,

Defendant - Appellant.

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, District Judge. (3:93-cr-00124-FDW-1; 3:07-cv-00454-FDW)

Submitted: May 22, 2008

Decided: May 29, 2008

Before MOTZ and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Donald Ray Barber, Appellant Pro Se. Gretchen C.F. Shappert, United States Attorney, Charlotte, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Donald Ray Barber appeals from the denial of his motion for reduction of sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. United States v. Barber, Nos. 3:93-cr-00124-FDW-1, 3:07-cv-00454-FDW (W.D.N.C. Oct. 25, 2007). In addition, we decline to consider the claim raised by Barber for the first time on appeal. See Muth v. United States, 1 F.3d 246, 250 (4th Cir. 1993). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED